

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
99-077

In Re Application Of: WALKER et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/538,805	March 30, 2000	Michael A. CUFF	22927	3627	7826

Title: **METHOD AND APPARATUS FOR MANAGING SUBSCRIPTIONS**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Supplemental Information Disclosure Statement (6 pp.);
PTO Form-1449 (8 pp.) and references cited therein (89); and
Return Receipt Postcard.

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0271** as described below.
- ☒ Charge the amount of **\$180.00**
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Michael D. Downs
Signature

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CUSTOMER NO. 22927

Dated: **March 25, 2005**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

March 25, 2005

Michael D. Brinton
(Date)

Signature of Person Mailing Correspondence

Michael D. Brinton

Typed or Printed Name of Person Mailing Correspondence

CC:

PATENT

Application Serial No.: 09/538,805
Attorney Docket No.: 99-077



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WALKER et al.

Serial No.: 09/538,805

Filing Date: March 30, 2000

For: METHOD AND APPARATUS FOR
MANAGING SUBSCRIPTIONS

) Examiner: Michael A. CUFF
)
) Group Art Unit: 3627
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) Attorney Docket No: 99-077
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) **CUSTOMER NO.: 22927**
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as priority mail in an envelope with sufficient postage and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 03/25/05 By:

Michael D. Brinton

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as (i) a representation that a thorough search has been made; (ii) an admission that the information cited is, or is considered to be, material to patentability; (iii) an admission that no other material information exists; or (iv) an admission that Applicants agree with any statement(s) in the

information cited. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. ☐ Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.
2. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____
_____.
3. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.

- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
- ☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.
5. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☒ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 10 below.
7. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
 - b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.

8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;

☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.

9. ☐ I hereby certify:

☐ that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.

☐ that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. ☒ Please accept payment of the fees due as indicated below:

☐ A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).

☒ The Commissioner is hereby authorized to charge \$180.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p).

11. ☒ In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

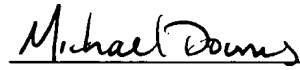
<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Attorney Docket No.</u>	<u>Examiner's Init.</u>
09/049,297	Walker et al.	03/27/98		
09/223,903	Walker et al.	12/31/98		

The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. These applications have not been listed on the accompanying Form PTO-1449 in order to preserve their secrecy during the course of their prosecution.

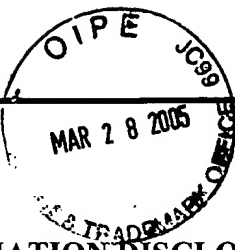
12. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.
13. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed concurrently with a Request for Continued Examination.

Respectfully submitted,

March 25, 2005
Date



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INFORMATION DISCLOSURE CITATION

Docket Number

99-077

Serial Number

09/538,805

Applicants

WALKER et al.

Filing Date

March 30, 2000

Group Art Unit

3627

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	A	3,754,630	08/28/73	Gilker	194	4	
	B	3,837,455	09/24/74	Hurt	194	4R	
	C	3,882,982	05/13/75	Smith	194	4C	
	D	3,938,638	02/17/76	Moule	194	4C	
	E	3,978,959	09/7/76	Muellner	194	4R	
	F	4,554,446	11/19/85	Murphy et al.	235	487	
	G	4,567,609	01/28/86	Metcalf	382	9	
	H	4,817,166	03/28/89	Gonzalez et al.	382	1	
	I	4,833,609	05/23/89	Grulke, Jr.	364	405	
	J	4,878,248	10/31/89	Shyu et al.	382	9	
	K	4,908,761	03/13/90	Tai	364	401	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No
	L	EP 0 025 754 A1 /	03/25/81	Europe				
	M	WO 96/29668 /	09/26/96	PCT				

OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

	N	Brochure: "Reaching Out In New Directions", First Data Corp. Merchant Services, undated.
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EXAMINER

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION				Docket Number 99-077		Serial Number 09/538,805	
				Applicants WALKER et al.			
				Filing Date March 30, 2000		Group Art Unit 3627	

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	O	4,982,346	01/1/91	Girouard et al.	364	550	
	P	5,081,685	01/14/92	Jones, III et al.	382	1	
	Q	5,136,658	08/4/92	Mori	382	1	
	R	5,173,851	12/22/92	Off et al.	364	401	
	S	5,185,695	02/09/93	Pruchnicki	364	401	
	T	5,256,863	10/26/93	Ferguson et al.	235	383	
	U	5,297,026	03/22/94	Hoffman	364	408	
	V	5,315,664	05/24/94	Kumagai	382	1	
	W	5,321,243	06/14/94	Groves et al.	235	449	
	X	5,327,508	07/05/94	Deaton et al.	382	7	
	Y	5,331,544	07/19/94	Lu et al.	364	401	

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No
	Z	WO 97/23838 /	07/3/97	PCT				
	AA	WO 99/11006 /	03/04/99	PCT				

OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)		
	BB	Bagot, Brian, "Brand Report: Service Please", August 1990, Marketing & Media Decisions, pp. 79-83, ISSN: 0195-4296.

EXAMINER	DATE CONSIDERED:
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	CC	5,380,991	01/10/95	Valencia et al.	235	383	
	DD	5,388,165	02/07/95	Deaton et al.	382	7	
	EE	5,434,394	07/18/95	Roach et al.	235	375	
	FF	5,459,306	10/17/95	Stein et al.			
	GG	5,481,094	01/02/96	Suda			
	HH	5,515,270	05/07/96	Weinblatt			
	II	5,521,364	05/28/96	Kimura et al.			
	JJ	5,537,314	07/16/96	Kanter			
	KK	5,612,868	03/18/97	Off et al.	364	214	
	LL	5,636,346	06/03/97	Saxe	395	201	
	MM	5,644,723	07/01/97	Deaton et al.	395	214	

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No
	NN	WO 98/28699 /	07/2/98	PCT				
	OO	WO 00/39723 A3 ✓	07/6/00	PCT				

OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)

	PP	Casper, Carol, "Restaurants seek loyal customers.", Information Access Company, a Thomson Corporation Company, Cowles Business Media Inc. Direct, May 1994, Vol. 6, No. 5, Pg. 18, ISSN: 1046-4174.
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EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	QQ	5,675,662	10/07/97	Deaton et al.	382	137	
	RR	5,684,965	11/04/97	Pickering	395	234	
	SS	5,687,322	11/11/97	Deaton et al.	395	214	
	TT	5,689,100	11/18/97	Carrithers et al.	235	380	
	UU	5,710,557	01/20/98	Schuette	340	932.2	
	VV	5,710,886	01/20/98	Christensen et al.	395	214	
	WW	5,717,898	02/10/98	Tozzoli et al.	705	37	
	XX	5,745,052	04/28/98	Matsuyama et al.	340	932.2	
	YY	5,758,328	05/26/98	Giovannoli	705	26	
	ZZ	5,774,868	06/30/98	Cragun et al.	705	10	
	AAA	5,774,870	06/30/98	Storey	705	14	

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No

OTHER DOCUMENTS <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>	
	BBB Zimmerman, Denise, "Food Lion Launches Frequent Shopper Plan", Supermarket News, January 30, 1995, Vol. 45, No. 5, at Pg. 17.

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	CCC	5,970,469	10/19/99	Scroggie et al.	705	14	
	DDD	6,128,599	10/03/00	Walker et al.	705	14	
	EEE	5,794,396	10/26/99	Anderson et al.	705	10	
	FFF	5,999,914	12/07/99	Blinn et al.	705	26	
	GGG	6,012,039	01/04/00	Hoffman et al.	705	14	
	HHH	6,014,634	01/11/00	Scroggie et al.	705	14	
	III	6,029,153	02/22/00	Bauchner et al.	705	42	
	JJJ	6,055,513	04/25/00	Katz et al.	705	26	
	KKK	6,073,112	06/06/00	Geerlings	705	14	
	LLL	6,078,897	06/20/00	Rubin et al.	705	14	

FOREIGN PATENT DOCUMENTS								
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							Yes	No

OTHER DOCUMENTS <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>		
	MMM	"Brazilian companies sell by affinity card", Lafferty Publications Ltd., Insurance Industry International, February 1995, No. 32 at Pg. 6.

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OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)			
	NNN	"Stop & Shop Debuts Mastercard", Information Access Company, a Thomson Corporation Company IAC (SM), Newsletter Database (TM) Lebhar-Friedman Inc., October 23, 1995, No. 44, Vol. 2.	
	OOO	Marriott, Anne, "A credit deal - or not?; Co-branded cards' offer raise takers, debts", The Washington Times, July 17, 1996, Section: Part B, Business at Pg. B7.	
	PPP	Cross, Richard and Smith, Janet, "The Customer Value Chain", American Demographics, Inc., Marketing Tools, January/February 1997, Section: Database/Direct at Pg. 14.	
	QQQ	Bradford, Stacey L., "Food Lion: King of the jungle?", Financial World, January 21, 1997, CODEN: FIWOAR, Vol. 166, No. 1, Pg. 24, ISSN: 0015-2064, JRNL Code: Two.	
	RRR	Purpura, Linda, "Green Hills Farms finding gold in frequent-shopper cards.", Information Access Company, a Thomson Corporation Company, Capital Cities Media Inc., Supermarket News, February 24, 1997, No. 8, Vol. 47, Pg. 19, ISSN: 0039-5803.	
	SSS	Fickenscher, Lisa, "Merchant: American Express Seeks to Mine Its Data on Cardholder Spending Patterns", The American Banker, March 24, 1997, Section: Credit/Debit/ATMS, Pg. 20.	
	TTT	Gilligan, Gregory J., "Ukrop's Branches Into Finance; For The Chain's CEO, This Was A Deal That Was Too Good To Miss", The Richmond Times Dispatch, April 27, 1997, Section: Business at Pg. E-1.	
	UUU	Bowie, Liz, "Food Lion looks toward Baltimore; Area a 'growth market' to chain; 20-25 stores may come, sources say; Company keeping quiet; No-frills retailer poses competition for region leader Giant", The Baltimore Sun, April 28, 1997, Section: Business at Pg. 11C.	
	VVV	Stoneback, Diane, "It's In The Cards; Supermarkets Deal Savings To Their Best Shoppers", The Morning Call (Allentown), June 18, 1997, Section: A.M. Magazine at Pg. D1.	
	WWW	"A&P/Dominion Joins Air Miles (R) Reward Program", Canada NewsWire, August 21, 1997, Financial News Section.	
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OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)			
	XXX	Purpura, Linda, "The great equalizer: when it comes to customer-loyalty programs, quick reactions to incoming data give independent retailers a competitive advantage.", Information Access Company, a Thomson Corporation Company, Capital Cities Media Inc., Supermarket News, September 1, 1997, No. 35, Vol. 47, Pg. 17, ISSN: 0039-5803.	
	YYY	Appel, Ted, "Smart Coupons Customers Save Big, Stores Track Spending With Discount Cards", The Press Democrat, October 5, 1997 at Pg. E.1.	
	ZZZ	Blackwell, Richard, "Get Club Z points for shopping CIBC", The Financial Post, October 9, 1997, Section: Section 1, News at Pg. 17.	
	AAAA	Bird, Anat, "Super Community Banking: Sharpen Strategy to Keep Your Bank's Most Profitable Customers for Long Haul", The American Banker, December 3, 1997, Section: Community Banking at Pg. 4.	
	BBBB	"Here Come the Canadian Marketers", Faulker & Gray, a division of Thomson Information Services, Inc. a New York corporation, January 1998, Section: Card Watch.	
	CCCC	Smith, Rebecca, "Buy More, Pay Less; Frequent Shopper Programs Promise A Brave New World In Grocery Buying", Pittsburgh Post-Gazette, January 19, 1998, Section: Business, Pg. E-1.	
	DDDD	"CIBC Club Z* VISA Card", (http //www cibc com/products/visa/VisaClubZ htm), download date: February 1, 1998.	
	EEEE	"Club Z - Your Rewards On-Line", (http //www hbc com/clubz/default asp), download date, February 1, 1998.	
	FFFF	"Frequent Shopper Programs Are Used By 14% Of All Supermarkets", (http //www retailtech com/archive/frequent htm), download date: February 1, 1998.	
	GGGG	"Turbocharging Your Customer-Loyalty Programs", (http //www retailtech com/archive/turbocha.htm), download date: February 1, 1998.	
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